

House File 216 - Enrolled

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HOUSE FILE 216

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1 3 AN ACT
1 4 RELATING TO MOTOR VEHICLE REGULATION BY THE STATE DEPARTMENT
1 5 OF TRANSPORTATION, INCLUDING MOTOR VEHICLE REGISTRATION AND
1 6 TITLING, RESTRICTED AND SPECIAL DRIVER'S LICENSES FOR MINORS,
1 7 DRIVER LICENSING, REGULATION OF COMMERCIAL VEHICLES, THE USE
1 8 OF FLASHING LIGHTS ON CERTAIN VEHICLES, CITATIONS FOR CHILD
1 9 RESTRAINT VIOLATIONS, PERMITS FOR VEHICLES OF EXCESSIVE
1 10 HEIGHT OR WEIGHT, PROCEDURES FOR MOTOR VEHICLE DEALERS, AND
1 11 PERSONS WITH DISABILITIES PARKING, AND RELATING TO REFUNDS OF
1 12 TAXES ON MOTOR FUEL USED IN TAXICABS AND BUSES THAT PROVIDE
1 13 CERTAIN SERVICES.
1 14
1 15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 16
1 17 Section 1. Section 299.1B, Code 2005, is amended to read
1 18 as follows:
1 19 299.1B FAILURE TO ATTEND == ~~LOSS OF DRIVER'S LICENSE.~~
1 20 A person who does not attend a public school, an accredited
1 21 nonpublic school, competent private instruction in accordance
1 22 with the provisions of chapter 299A, an alternative school, or
1 23 adult education classes, ~~or who is not employed at least~~
~~1 24 twenty hours per week shall not receive a motor vehicle~~
~~1 25 operator's an intermediate or full driver's license until age~~
1 26 eighteen. ~~A person under age eighteen who has been issued a~~
~~1 27 motor vehicle operator's license who does not attend a public~~
~~1 28 school, an accredited nonpublic school, competent private~~
~~1 29 instruction in accordance with the provisions of chapter 299A,~~
~~1 30 an alternative school, or adult education classes, shall~~
~~1 31 surrender the license and be issued a temporary restricted~~
~~1 32 license under section 321.215.~~
1 33 Sec. 2. Section 321.1, Code 2005, is amended by adding the
1 34 following new subsections:
1 35 NEW SUBSECTION. 6A. "Bona fide business address" means
2 1 the current street or highway address of a firm, association,
2 2 or corporation.
2 3 NEW SUBSECTION. 6B. "Bona fide residence" or "bona fide
2 4 address" means the current street or highway address of an
2 5 individual's residence. The bona fide residence of a homeless
2 6 person is a primary nighttime residence meeting one of the
2 7 criteria listed in section 48A.2, subsection 2.
2 8 Sec. 3. Section 321.1, subsection 61, Code 2005, is
2 9 amended by striking the subsection.
2 10 Sec. 4. Section 321.9, Code 2005, is amended to read as
2 11 follows:
2 12 321.9 AUTHORITY TO ADMINISTER OATHS.
2 13 Officers and employees of the department designated by the
2 14 director, county officials authorized under this chapter to
~~2 15 issue motor vehicle registrations and titles, and county~~
~~2 16 officials authorized under chapter 321M to issue driver's~~
~~2 17 licenses are authorized, for the purpose of administering the~~
2 18 motor vehicle laws, ~~authorized~~ to administer oaths and
2 19 acknowledge signatures, and shall do so without fee.
2 20 Sec. 5. Section 321.12, subsection 4, Code 2005, is
2 21 amended to read as follows:
2 22 4. The director shall not destroy any operating records
2 23 pertaining to arrests or convictions for operating while
2 24 intoxicated, in violation of section 321J.2 or operating
2 25 records pertaining to revocations for violations of section
2 26 321J.2A, except that a conviction or revocation under section
2 27 321J.2 or 321J.2A that is not subject to 49 C.F.R. } 383 shall
2 28 be deleted from the operating records twelve years after the
2 29 date of conviction or the effective date of revocation.
2 30 Convictions or revocations that are retained in the operating
~~2 31 records for more than twelve years under this subsection shall~~
~~2 32 be considered only for purposes of disqualification actions~~
~~2 33 under 49 C.F.R. } 383.~~
2 34 Sec. 6. Section 321.23, subsection 1, Code 2005, is
2 35 amended to read as follows:
3 1 1. If the vehicle to be registered is a specially
3 2 constructed, reconstructed, ~~remanufactured,~~ or foreign
3 3 vehicle, such fact shall be stated in the application. A fee
3 4 of ten dollars shall be paid by the person making the
3 5 application upon issuance of a certificate of title by the

3 6 county treasurer. With reference to every For a specially
3 7 constructed or reconstructed motor vehicle subject to
3 8 registration, the application shall be accompanied by a
3 9 statement from the department authorizing the motor vehicle to
3 10 be titled and registered in this state. The department shall
3 11 cause a physical inspection to be made of all specially
3 12 constructed or reconstructed motor vehicles, upon application
3 13 for a certificate of title by the owner, to determine whether
3 14 the motor vehicle complies with the definition of specially
3 15 constructed motor vehicle or reconstructed motor vehicle in
3 16 this chapter and to determine that the integral component
3 17 parts are properly identified and that the rightful ownership
3 18 is established before issuing the owner the authority to have
3 19 the motor vehicle registered and titled. The purpose of the
3 20 physical inspection under this section is not to determine
3 21 whether the motor vehicle is in a condition safe to operate.

3 22 ~~With reference to every~~ The owner of a specially constructed
3 23 or reconstructed vehicle shall apply for a certificate of
3 24 title and registration for the vehicle at the county
3 25 treasurer's office within thirty days of the inspection. For
3 26 a foreign vehicle which has been registered outside of this
3 27 state, the owner shall surrender to the treasurer all
3 28 registration plates, registration cards, and certificates of
3 29 title, or, if the vehicle to be registered is from a nontitle
3 30 state, the evidence of foreign registration and ownership as
3 31 may be prescribed by the department except as provided in
3 32 subsection 2.

3 33 Sec. 7. Section 321.24, subsection 1, Code 2005, is
3 34 amended to read as follows:

3 35 1. Upon receipt of the application for title and payment
4 1 of the required fees for a motor vehicle, trailer, or
4 2 semitrailer, the county treasurer or the department shall,
4 3 when satisfied as to the application's genuineness and
4 4 regularity, and, in the case of a mobile home or manufactured
4 5 home, that taxes are not owing under chapter 435, issue a
4 6 certificate of title and, except for a mobile home or
4 7 manufactured home, a registration receipt, and shall file the
4 8 application, the manufacturer's or importer's certificate, the
4 9 certificate of title, or other evidence of ownership, as
4 10 prescribed by the department. The registration receipt shall
4 11 be delivered to the owner and shall contain upon its face the
4 12 date issued, the name and address of the owner, the
4 13 registration number assigned to the vehicle, the amount of the
4 14 fee paid, the amount of tax paid pursuant to section 423.26,
4 15 the type of fuel used, ~~and~~ a description of the vehicle as
4 16 determined by the department, and ~~upon the reverse side~~ a form
4 17 for notice of transfer of the vehicle. The name and address
4 18 of any lessee of the vehicle shall not be printed on the
4 19 registration receipt or certificate of title. Up to three
4 20 owners may be listed on the registration receipt and
4 21 certificate of title.

4 22 Sec. 8. Section 321.24, subsection 11, Code 2005, is
4 23 amended to read as follows:

4 24 11. If the county treasurer or department is not satisfied
4 25 as to the ownership of the vehicle or that there are no
4 26 undisclosed security interests in it, or a junking certificate
4 27 has been issued for the vehicle but a certificate of title
4 28 will not be reissued under section 321.52, subsection 3, and
4 29 the vehicle qualifies as an antique vehicle under section
4 30 321.115, subsection 1, the county treasurer or department may
4 31 register the vehicle but shall, as a condition of issuing a
4 32 certificate of title and registration receipt, require the
4 33 applicant to file with the department a bond in the form
4 34 prescribed by the department and executed by the applicant,
4 35 and either accompanied by the deposit of cash with the
5 1 department or also executed by a person authorized to conduct
5 2 a surety business in this state. The owner of a vehicle

5 3 subject to the bond requirements of this subsection shall
5 4 apply for a certificate of title and registration for the
5 5 vehicle at the county treasurer's office within thirty days of
5 6 issuance of written authorization from the department. The
5 7 bond shall be in an amount equal to one and one-half times the
5 8 current value of the vehicle as determined by the department
5 9 and conditioned to indemnify any prior owner and secured party
5 10 and any subsequent purchaser of the vehicle or person
5 11 acquiring any security interest in it, and their respective
5 12 successors in interest, against any expense, loss, or damage,
5 13 including reasonable attorney fees, by reason of the issuance
5 14 of the certificate of title of the vehicle or on account of
5 15 any defect in or undisclosed security interest upon the right,
5 16 title, and interest of the applicant in and to the vehicle.

5 17 Any such interested person has a right of action to recover on
5 18 the bond for any breach of its conditions, but the aggregate
5 19 liability of the surety to all persons shall not exceed the
5 20 amount of the bond. The bond, and any deposit accompanying
5 21 it, shall be returned at the end of three years or prior
5 22 thereto if the vehicle is no longer registered in this state
5 23 and the currently valid certificate of title is surrendered to
5 24 the department, unless the department has been notified of the
5 25 pendency of an action to recover on the bond. The department
5 26 may authorize issuance of a certificate of title as provided
5 27 in this subsection for a vehicle with an unreleased security
5 28 interest upon presentation of satisfactory evidence that the
5 29 security interest has been extinguished and the holder of the
5 30 security interest cannot be located to release the security
5 31 interest as provided in section 321.50.

5 32 Sec. 9. Section 321.34, subsection 8A, unnumbered
5 33 paragraph 1, Code 2005, is amended to read as follows:

5 34 The owner of a motor vehicle subject to registration under
5 35 section 321.109, subsection 1, motorcycle, trailer, or motor
6 1 truck who was a prisoner of war during ~~the Second World War at~~
~~6 2 any time between December 7, 1941, and December 31, 1946, the~~
~~6 3 Korean Conflict at any time between June 25, 1950, and January~~
~~6 4 31, 1955, or the Vietnam Conflict at any time between August~~
~~6 5 5, 1964, and June 30, 1973, all dates inclusive, a time of~~
~~6 6 military conflict~~ may, upon written application to the
6 7 department, order only one set of special registration plates
6 8 with an ex-prisoner of war processed emblem. The emblem shall
6 9 be designed by the department in cooperation with the adjutant
6 10 general and shall signify that the owner was a prisoner of war
6 11 as described in this subsection. The application is subject
6 12 to approval by the department, in consultation with the
6 13 adjutant general. The special plates shall be issued at no
6 14 charge and are subject to an annual registration fee of
6 15 fifteen dollars. The county treasurer shall validate the
6 16 special plates in the same manner as regular registration
6 17 plates are validated under this section.

6 18 Sec. 10. Section 321.43, Code 2005, is amended to read as
6 19 follows:

6 20 321.43 NEW IDENTIFYING NUMBERS.

6 21 The department may assign a distinguishing number to a
6 22 vehicle when the serial number on the vehicle is destroyed or
6 23 obliterated and issue to the owner a special plate bearing the
6 24 distinguishing number which shall be affixed to the vehicle in
6 25 a position to be determined by the director. The vehicle
6 26 shall be registered and titled under the distinguishing number
6 27 in lieu of the former serial number within thirty days of
~~6 28 issuance of the distinguishing number.~~

6 29 Sec. 11. Section 321.52, subsections 1 and 2, Code 2005,
6 30 are amended to read as follows:

6 31 1. When a vehicle is sold outside the state for purposes
6 32 other than for junk, the owner, dealer or otherwise, shall
6 33 detach the registration plates and registration card and shall
6 34 indicate on the ~~reverse side of such~~ registration card the
6 35 name and address of the foreign purchaser or transferee over
7 1 the person's signature. ~~The Unless the registration plates~~
~~7 2 are legally attached to another vehicle, the owner shall~~
7 3 surrender the registration plates and registration card to the
7 4 county treasurer, ~~unless the registration plates are properly~~
~~7 5 attached to another vehicle,~~ who shall cancel the records, ~~and~~
~~7 6 shall destroy the registration plates,~~ and forward the
7 7 registration card to the department. The department shall
7 8 make a notation on the records of the out-of-state sale, and,
7 9 after a reasonable period, may destroy the files ~~to for~~ that
7 10 particular vehicle. The department is not authorized to make
7 11 a refund of ~~license registration~~ fees on a vehicle sold out of
7 12 state unless it receives the registration card completed as
7 13 provided in this section.

7 14 2. The purchaser or transferee of a motor vehicle for
7 15 which a certificate of title is issued which is sold for scrap
7 16 or junk shall surrender the certificate of title, properly
7 17 endorsed and signed by the previous owner, to the county
7 18 treasurer of the county of residence of the transferee, and
7 19 shall apply for a junking certificate from the county
7 20 treasurer, within thirty days after assignment of the
7 21 certificate of title. The county treasurer shall issue to
7 22 such person without fee a junking certificate. A junking
7 23 certificate shall authorize the holder to possess, transport,
7 24 or transfer by endorsement the ownership of the junked
7 25 vehicle. A certificate of title shall not again be issued for
7 26 the vehicle subsequent to the issuance of a junking
7 27 certificate except as provided in subsection 3. The county

7 28 treasurer shall cancel the record of the vehicle. The junking
7 29 certificate shall be printed on the registration receipt form
7 30 and shall be imprinted with the words "junking certificate",
7 31 as prescribed by the department. A space for transfer by
7 32 endorsement shall be on the ~~reverse side of the~~ junking
7 33 certificate. A separate form for the notation of the transfer
7 34 of component parts shall be attached to the junking
7 35 certificate when the certificate is issued.

8 1 Sec. 12. Section 321.109, subsection 2, unnumbered
8 2 paragraph 1, Code 2005, is amended to read as follows:
8 3 Dealers may, in addition to other provisions of this
8 4 section, purchase from the department in-transit ~~stickers~~
8 5 permits, for which a fee of two dollars per ~~sticker permit~~
8 6 shall be paid at time of purchase. One such ~~sticker permit~~
8 7 shall be displayed on each vehicle purchased from a dealer by
8 8 a nonresident for removal to the state of the nonresident's
8 9 residence, and one such ~~sticker permit~~ shall also be displayed
8 10 on each vehicle not currently registered in Iowa and purchased
8 11 by an Iowa dealer for removal to the dealer's place of
8 12 business in this state. The ~~stickers permits~~ shall be void
8 13 fifteen days after issuance by the selling dealer. Each
8 14 ~~sticker permit~~ shall contain the following information:

8 15 Sec. 13. Section 321.109, subsection 2, unnumbered
8 16 paragraph 2, Code 2005, is amended to read as follows:

8 17 ~~This information shall be on the gummed side of the sticker~~
8 18 ~~and the sticker shall be made of a type of material which is~~
8 19 ~~self-destructive when the sticker is removed.~~ The sales
8 20 invoice verifying the sale shall be in the possession of the
8 21 driver of the vehicle in transit and shall be signed by the
8 22 owner or an authorized individual of the issuing dealership.

8 23 Sec. 14. Section 321.176A, subsection 3, Code 2005, is
8 24 amended to read as follows:

8 25 3. ~~Military personnel while on active duty and operating~~
8 26 ~~equipment owned or operated by the United States department of~~
8 27 ~~defense. The following persons when operating commercial~~
8 28 ~~motor vehicles for military purposes:~~

8 29 a. Active duty military personnel.
8 30 b. Members of the military reserves.
8 31 c. Members of the national guard on active duty, including
8 32 personnel on full-time national guard duty, personnel on part-
8 33 time national guard training, and national guard military
8 34 technicians.

8 35 d. Active duty United States coast guard personnel.
9 1 Sec. 15. Section 321.178, subsection 2, paragraph a, Code
9 2 2005, is amended to read as follows:

9 3 a. A person between sixteen and eighteen years of age who
9 4 ~~has completed an approved driver's education course and is not~~
9 5 ~~in attendance at school or who is in attendance in a public or~~
9 6 ~~private school where an approved driver's education course is~~
9 7 ~~not offered or available, and has not met the requirements~~
9 8 ~~described in section 299.2, subsection 1, may be issued a~~
9 9 restricted license only for travel to and from work or to
9 10 transport dependents to and from temporary care facilities, if
9 11 necessary for the person to maintain the person's present
9 12 employment, ~~without having completed an approved driver's~~
9 13 ~~education course.~~ The restricted license shall be issued by
9 14 the department only upon confirmation of the person's
9 15 employment and need for a restricted license to travel to and
9 16 from work or to transport dependents to and from temporary
9 17 care facilities if necessary to maintain the person's
9 18 employment ~~and upon receipt of a written statement from the~~
9 19 ~~public or private school that an approved course in driver's~~
9 20 ~~education was not offered or available to the person, if~~
9 21 ~~applicable.~~ The employer shall notify the department if the
9 22 employment of the person is terminated before the person
9 23 attains the age of eighteen. ~~The person shall not have a~~
9 24 ~~restricted license revoked or suspended upon reentering school~~
9 25 ~~prior to age eighteen if the student enrolls in and completes~~
9 26 ~~the classroom portion of an approved driver's education course~~
9 27 ~~as soon as a course is available.~~

9 28 Sec. 16. Section 321.191, subsection 7, Code 2005, is
9 29 amended to read as follows:

9 30 7. ENDORSEMENTS AND REMOVAL OF AIR BRAKE RESTRICTIONS.
9 31 The fee for a double/triple trailer endorsement, tank vehicle
9 32 endorsement, and hazardous materials endorsement is five
9 33 dollars for each endorsement. The fee for a passenger
9 34 endorsement or a school bus endorsement is ten dollars. The
9 35 fee for removal of an air brake restriction on a commercial
10 1 driver's license is ten dollars. Fees imposed under this
10 2 subsection for endorsements or removal of restrictions are
10 3 valid for the period of the license. Upon renewal of a

10 4 commercial driver's license, no fee is payable for retaining
10 5 endorsements or the removal of the air brake restriction for
10 6 those endorsements or restrictions which do not require the
10 7 taking of either a knowledge or a driving skills test for
10 8 renewal.

10 9 Sec. 17. Section 321.191, subsection 9, unnumbered
10 10 paragraph 2, Code 2005, is amended to read as follows:

10 11 As used in this subsection "to upgrade a license class
10 12 privilege" means to add any privilege to a valid driver's
10 13 license. The addition of a privilege includes converting from
10 14 a noncommercial to a commercial license, converting from a
10 15 noncommercial class C to a class D license, converting an
10 16 instruction permit to a class license, adding any privilege to
10 17 a section 321.189, subsection 7, license, adding an
10 18 instruction permit privilege, adding a section 321.189,
10 19 subsection 7, license to an instruction permit, and adding any
10 20 privilege relating to a driver's license issued to a minor
10 21 under section 321.194 or ~~section 321.178, subsection 2.~~

10 22 Sec. 18. Section 321.194, subsection 1, paragraph a,
10 23 subparagraph (1), Code 2005, is amended to read as follows:

10 24 (1) During the hours of 6 a.m. to 10 p.m. over the most
10 25 direct and accessible route between the licensee's residence
10 26 and schools of enrollment or the closest school bus stop or
10 27 public transportation service, and between schools of
10 28 enrollment, for the purpose of attending duly scheduled
10 29 courses of instruction and extracurricular activities within
10 30 the school district.

10 31 Sec. 19. Section 321.198, unnumbered paragraph 1, Code
10 32 2005, is amended to read as follows:

10 33 The effective date of a valid driver's license ~~to the~~
10 34 ~~extent that it permits the operation of a motor vehicle other~~
10 35 ~~than a commercial motor vehicle and other than as a chauffeur,~~
11 1 issued under the laws of this state, held by any person at the
11 2 time of entering the military service of the United States or
11 3 of the state of Iowa, notwithstanding the expiration of the
11 4 license according to its terms, is hereby extended without fee
11 5 until six months following the initial separation from active
11 6 duty of the person from the military service, provided the
11 7 person is not suffering from physical disabilities which
11 8 impair the person's competency as an operator and provided
11 9 further that the licensee shall ~~upon demand of any peace~~
11 10 ~~officer furnish, upon demand of any peace officer,~~
11 11 satisfactory evidence of the person's military service.
11 12 However, a person entitled to the benefits of this section,
11 13 ~~who is charged with operating a motor vehicle without an~~
11 14 ~~operator's a valid driver's license,~~ shall not be convicted if
11 15 the person produces in court, within a reasonable time, a
11 16 valid driver's license previously issued to that person along
11 17 with evidence of the person's military service as ~~above~~
11 18 ~~mentioned provided in this paragraph.~~

11 19 Sec. 20. Section 321.200, Code 2005, is amended to read as
11 20 follows:

11 21 321.200 CONVICTION AND ACCIDENT FILE.

11 22 The department shall also file all accident reports and
11 23 abstracts of court records of convictions received by it under
11 24 the laws of this state or any other state or foreign
11 25 jurisdiction and in connection therewith maintain convenient
11 26 records or make suitable notations in order that an individual
11 27 record of each licensee showing the convictions of such
11 28 licensee and the traffic accidents in which the licensee has
11 29 been involved shall be readily ascertainable and available for
11 30 the consideration of the department upon any application for
11 31 renewal of license and at other suitable times.

11 32 Sec. 21. Section 321.205, Code 2005, is amended to read as
11 33 follows:

11 34 321.205 CONVICTION OR ADMINISTRATIVE DECISION IN ANOTHER
11 35 JURISDICTION.

12 1 The department is authorized to suspend or revoke the
12 2 driver's license of a resident of this state ~~upon or~~
12 3 ~~disqualify a resident of this state from operating a~~
12 4 ~~commercial motor vehicle for any of the following reasons:~~
12 5 1. Upon receiving notice of the conviction of the resident
12 6 in another state for an offense which, if committed in this
12 7 state, would be grounds for the suspension or revocation of
12 8 the license or upon disqualification of the person from
12 9 operating a commercial motor vehicle.

12 10 2. Upon receiving notice of a final administrative
12 11 decision in another state that the resident has acted in a
12 12 manner which would be grounds for suspension or revocation of
12 13 the license or disqualification of the person from operating a
12 14 commercial motor vehicle in this state.

12 15 Sec. 22. Section 321.208, subsection 1, Code 2005, is
12 16 amended to read as follows:

12 17 1. A person is disqualified from operating a commercial
12 18 motor vehicle for one year upon a conviction or final
12 19 administrative decision that the person ~~while operating a~~
~~12 20 commercial motor vehicle~~ has committed any of the following
12 21 acts or offenses in any state or foreign jurisdiction while
12 22 operating a commercial motor vehicle:
12 23 ~~a. Operating a commercial motor vehicle while under the~~
~~12 24 influence of an alcoholic beverage or other drug or controlled~~
~~12 25 substance or a combination of such substances.~~
12 26 ~~b. a. Operating a commercial motor vehicle with an~~
12 27 alcohol concentration, as defined in section 321J.1, of 0.04
12 28 or more.
12 29 ~~c. Refusal to submit to chemical testing required under~~
~~12 30 chapter 321J.~~
12 31 ~~d. Failure to stop and render aid at the scene of an~~
~~12 32 accident involving the person's vehicle.~~
12 33 ~~e. A felony or aggravated misdemeanor involving the use of~~
~~12 34 a commercial motor vehicle other than an offense involving~~
~~12 35 manufacturing, distributing, or dispensing a controlled~~
~~13 1 substance.~~
13 2 ~~f. b. Operating a commercial motor vehicle while any~~
13 3 amount of a controlled substance is present in the person, as
13 4 measured in the person's blood or urine.
13 5 c. Operating a commercial motor vehicle when, as a result
13 6 of prior violations committed while operating a commercial
13 7 motor vehicle, the person's commercial driver's license is
13 8 revoked, suspended, or canceled or the person is disqualified
13 9 from operating a commercial motor vehicle.
13 10 d. Operating a commercial motor vehicle involved in a
13 11 fatal accident and being convicted of a moving traffic
13 12 violation that contributed to the fatality, or manslaughter or
13 13 vehicular homicide.

13 14 ~~However, a person is disqualified for three years if the~~
~~13 15 act or offense occurred while the person was operating a~~
~~13 16 commercial motor vehicle transporting hazardous material of a~~
~~13 17 type or quantity requiring vehicle placarding.~~

13 18 Sec. 23. Section 321.208, Code 2005, is amended by adding
13 19 the following new subsections:

13 20 NEW SUBSECTION. 1A. A person is disqualified from
13 21 operating a commercial motor vehicle for one year upon a
13 22 conviction or final administrative decision that the person
13 23 has committed any of the following acts or offenses in any
13 24 state or foreign jurisdiction while operating a commercial
13 25 motor vehicle or while operating a noncommercial motor vehicle
13 26 and holding a commercial driver's license:

13 27 a. Operating a motor vehicle while under the influence of
13 28 an alcoholic beverage or other drug or controlled substance or
13 29 a combination of such substances.

13 30 b. Refusal to submit to chemical testing required under
13 31 chapter 321J.

13 32 c. Leaving the scene or failure to stop or render aid at
13 33 the scene of an accident involving the person's vehicle.

13 34 d. A felony or aggravated misdemeanor involving the use of
13 35 a commercial motor vehicle other than an offense involving
14 1 manufacturing, distributing, or dispensing a controlled
14 2 substance.

14 3 NEW SUBSECTION. 1B. A person is disqualified from
14 4 operating a commercial motor vehicle for three years if an act
14 5 or offense described in subsection 1 or 1A occurred while the
14 6 person was operating a commercial motor vehicle transporting
14 7 hazardous material of a type or quantity requiring vehicle
14 8 placarding.

14 9 Sec. 24. Section 321.208, subsections 2, 3, and 4, Code
14 10 2005, are amended to read as follows:

14 11 2. A person is disqualified from operating a commercial
14 12 motor vehicle for life if convicted or found to have committed
14 13 two or more of the ~~above~~ acts or offenses described in
14 14 subsection 1 or 1A arising out of two or more separate

14 15 incidents. However, a disqualification for life is subject to
14 16 a reduction to a ten-year disqualification as provided in 49
14 17 C.F.R. } 383.51 as adopted by rule by the department.

14 18 3. A person is disqualified from operating a commercial
14 19 motor vehicle for ~~the person's~~ life upon a conviction that the
14 20 person used a commercial or noncommercial motor vehicle in the
14 21 commission of a felony or aggravated misdemeanor involving the
14 22 manufacturing, distributing, or dispensing of a controlled
14 23 substance as defined in section 124.101 and held a commercial
14 24 driver's license at the time the offense was committed.

14 25 4. A person is disqualified from operating a commercial

14 26 motor vehicle if the person receives convictions for
14 27 committing within any three-year period two or more of the
14 28 following offenses while operating a commercial motor vehicle:
14 29 ~~a. Speeding fifteen miles per hour or more over the legal~~
~~14 30 speed limit.~~
14 31 ~~b. Reckless driving.~~
14 32 ~~c. Any violation of the traffic laws, except a parking~~
~~14 33 violation or a vehicle weight violation, which arises in~~
~~14 34 connection with a fatal traffic accident.~~
14 35 ~~d. a. Operating a commercial motor vehicle upon a highway~~
15 1 ~~when not issued a commercial driver's license valid for the~~
~~15 2 vehicle operated.~~
15 3 ~~e. b. Operating a commercial motor vehicle upon a highway~~
15 4 ~~when disqualified not issued the proper class of commercial~~
~~15 5 driver's license or endorsements for the specific vehicle~~
~~15 6 group being operated or for the passengers or type of cargo~~
~~15 7 being transported.~~
15 8 ~~f. c. Operating a commercial motor vehicle upon a highway~~
15 9 ~~without immediate possession of a driver's license valid for~~
15 10 ~~the vehicle operated.~~
15 11 ~~g. Following another motor vehicle too closely.~~
15 12 ~~h. Improper lane changes in violation of section 321.306.~~
15 13 ~~The period of disqualification under this subsection shall~~
~~15 14 be sixty days for two offenses within any three-year period~~
~~15 15 and one hundred twenty days for three offenses within any~~
~~15 16 three-year period.~~
15 17 Sec. 25. Section 321.208, Code 2005, is amended by adding
15 18 the following new subsections:
15 19 NEW SUBSECTION. 4A. A person is disqualified from
15 20 operating a commercial motor vehicle if the person receives
15 21 convictions for committing within any three-year period two or
15 22 more of the following offenses while operating a commercial
15 23 motor vehicle or while operating a noncommercial motor vehicle
15 24 and holding a commercial driver's license if the convictions
15 25 result in the revocation, cancellation, or suspension of the
15 26 person's commercial driver's license or noncommercial motor
15 27 vehicle driving privileges:
15 28 a. Speeding fifteen miles per hour or more over the legal
15 29 speed limit.
15 30 b. Reckless driving.
15 31 c. Any violation of the traffic laws, except a parking
15 32 violation or a vehicle weight violation, which arises in
15 33 connection with a fatal traffic accident.
15 34 d. Following another motor vehicle too closely.
15 35 e. Improper lane changes in violation of section 321.306.
16 1 NEW SUBSECTION. 4B. The period of disqualification under
16 2 subsections 4 and 4A shall be sixty days for two offenses
16 3 within any three-year period and one hundred twenty days for
16 4 three offenses within any three-year period.
16 5 Sec. 26. Section 321.213B, Code 2005, is amended to read
16 6 as follows:
16 7 321.213B SUSPENSION FOR FAILURE TO ATTEND.
16 8 The department shall establish procedures by rule for
16 9 suspending the license of a juvenile who ~~is in violation~~ has
~~16 10 been issued a driver's license and is not in compliance with~~
~~16 11 the requirements of section 299.1B or issuing the juvenile a~~
~~16 12 temporary restricted license under section 321.215 if the~~
~~16 13 juvenile is employed at least twenty hours per week 321.178.~~
16 14 Sec. 27. Section 321.215, subsection 1, unnumbered
16 15 paragraph 2, Code 2005, is amended to read as follows:
16 16 However, a temporary restricted license shall not be issued
16 17 to a person whose license is revoked pursuant to a court order
16 18 issued under section 901.5, subsection 10, or under section
16 19 321.209, subsections 1 through 5 or subsection 7, ~~or;~~ to a
16 20 juvenile whose license has been suspended or revoked pursuant
16 21 to a dispositional order under section 232.52, subsection 2,
16 22 paragraph "a", for a violation of chapter 124 or 453B or
16 23 section 126.3; or to a juvenile whose license has been
~~16 24 suspended under section 321.213B.~~ A temporary restricted
16 25 license may be issued to a person whose license is revoked
16 26 under section 321.209, subsection 6, only if the person has no
16 27 previous drag racing convictions. A person holding a
16 28 temporary restricted license issued by the department under
16 29 this section shall not operate a motor vehicle for pleasure.
16 30 Sec. 28. Section 321.218, subsections 4 and 5, Code 2005,
16 31 are amended to read as follows:
16 32 4. A person who operates a commercial motor vehicle upon
16 33 the highways of this state when disqualified from operating
16 34 the commercial motor vehicle under section 321.208 or the
~~16 35 imminent hazard provisions of 49 C.F.R. } 383.52~~ commits a
17 1 serious misdemeanor if a commercial driver's license is

17 2 required for the person to operate the commercial motor
17 3 vehicle.
17 4 5. The department, upon receiving the record of a
17 5 conviction of a person under this section upon a charge of
17 6 operating a commercial motor vehicle while the person is
17 7 disqualified, shall extend the period of disqualification for
17 8 an additional like period or for the time period specified in
17 9 section 321.208, whichever is longer.

17 10 Sec. 29. Section 321.423, subsection 2, paragraph g, Code
17 11 2005, is amended to read as follows:

17 12 g. ~~A Flashing red and amber warning lights on a school bus~~
17 13 ~~as described in section 321.372, and a white flashing strobe~~
17 14 ~~light mounted on a school bus as permitted under section~~
17 15 ~~321.373, subsection 7.~~

17 16 Sec. 30. Section 321.423, subsection 2, Code 2005, is
17 17 amended by adding the following new paragraphs:

17 18 NEW PARAGRAPH. h. A flashing amber light is permitted on
17 19 a towing or recovery vehicle, a utility maintenance vehicle, a
17 20 municipal maintenance vehicle, a highway maintenance vehicle,
17 21 or a vehicle operated in accordance with subsection 6 or
17 22 section 321.398 or 321.453.

17 23 NEW PARAGRAPH. i. Modulating headlamps in conformance
17 24 with 49 C.F.R. } 571.108 S7.9.4. are permitted on a
17 25 motorcycle.

17 26 Sec. 31. Section 321.423, subsection 7, unnumbered
17 27 paragraph 1, Code 2005, is amended to read as follows:

17 28 Except as provided in section 321.373, subsection 7, and
17 29 subsection 2, ~~paragraph paragraphs "c" and "i" of this~~
17 30 ~~section, a flashing white light shall only be used on a~~
17 31 ~~vehicle in the following circumstances:~~

17 32 Sec. 32. Section 321.446, subsection 4, paragraph a, Code
17 33 2005, is amended to read as follows:

17 34 a. An operator who violates subsection 1 or 2 is guilty of
17 35 a simple misdemeanor and subject to the penalty provisions of
18 1 section 805.8A, subsection 14, paragraph "c". However, if a
18 2 child is being transported in a taxicab in a manner that is
18 3 not in compliance with subsection 1 or 2, the parent, legal
18 4 guardian, or other responsible adult traveling with the child
18 5 shall be served with a citation for a violation of this
18 6 section in lieu of the taxicab operator.

18 7 Sec. 33. Section 321.449, subsection 7, Code 2005, is
18 8 amended by striking the subsection.

18 9 Sec. 34. Section 321.451, subsection 1, Code 2005, is
18 10 amended by adding the following new paragraph:

18 11 NEW PARAGRAPH. f. A towing or recovery vehicle, subject
18 12 to rules adopted by the department.

18 13 Sec. 35. Section 321.451, subsection 2, Code 2005, is
18 14 amended to read as follows:

18 15 2. The application for a certificate of designation must
18 16 include the name ~~and occupation~~ of the owner of the vehicle,
18 17 vehicle identification information, a description of the
18 18 vehicle's equipment, ~~and a description of the use of the~~
18 19 ~~vehicle when its red light is flashing, and a photograph~~
18 20 ~~showing a side view of the vehicle how the vehicle will be~~
18 21 ~~used as an authorized emergency vehicle.~~

18 22 Sec. 36. Section 321.456, Code 2005, is amended to read as
18 23 follows:

18 24 321.456 HEIGHT OF VEHICLES == PERMITS == EXEMPTION.

18 25 A vehicle unladen or with load shall not exceed a height of
18 26 thirteen feet, six inches, except ~~by permit as provided in~~
18 27 ~~this section. However, that a vehicle or combination of~~
18 28 ~~vehicles coupled together and used exclusively for the~~
18 29 ~~transportation of passenger vehicles, light delivery trucks,~~
18 30 ~~panel delivery trucks, pickup trucks, or recreational vehicle~~
18 31 ~~chassis may operate without a permit provided that the height~~
18 32 ~~of the vehicle or vehicles coupled together does not with a~~
18 33 ~~height not to exceed fourteen feet. This section shall not be~~

18 34 construed to require any railroad or public authorities to
18 35 provide sufficient vertical clearance to permit the operation
19 1 of such vehicle upon the highways of this state. Any damage
19 2 to highways, highway or railroad structures, or underpasses
19 3 caused by the height of any vehicle provided for by this
19 4 section shall be borne by the operator or owner of the
19 5 vehicle. ~~Vehicles unladen or with load exceeding a height of~~
19 6 ~~thirteen feet, six inches but not exceeding fourteen feet may~~
19 7 ~~be operated with a permit issued by the department or~~
19 8 ~~jurisdictional local authorities. The permits shall be issued~~
19 9 ~~annually for a fee of twenty-five dollars and subject to rules~~
19 10 ~~adopted by the department. The state or a political~~
19 11 ~~subdivision shall not be liable for damage to any vehicle or~~
19 12 ~~its cargo if changes in vertical clearance of a structure are~~

~~19 13 made subsequent to the issuance of a permit during the term of~~
~~19 14 the permit.~~

19 15 Sec. 37. Section 321A.39, unnumbered paragraph 3, Code
19 16 2005, is amended to read as follows:

19 17 The seller shall print or stamp ~~said the~~ statement
19 18 ~~conspicuously~~ on the purchase order or invoice ~~in distinctive~~
~~19 19 color ink and with clearly visible letters. Said The~~
19 20 statement shall be signed by the purchaser in the space
19 21 provided ~~therein~~ on or before the date of delivery of the
19 22 motor vehicle described in the purchase order or invoice and a
19 23 ~~copy thereof of the statement~~ shall be given to the purchaser
19 24 by the seller.

19 25 Sec. 38. Section 321E.12, Code 2005, is amended to read as
19 26 follows:

19 27 321E.12 REGISTRATION MUST BE CONSISTENT.

19 28 A vehicle traveling under permit shall be properly
19 29 registered for the gross weight of the vehicle and load. ~~A~~
~~19 30 trip permit issued according to section 326.23 shall not be~~
~~19 31 used in lieu of the registration provided for in this section.~~

19 32 A person owning special mobile equipment may use a transport
19 33 vehicle registered for the gross weight of the transport
19 34 without a load. Vehicles, while being used for the
19 35 transportation of buildings, except mobile homes and factory=
20 1 built structures, may be registered for the combined gross
20 2 weight of the vehicle and load on a single=trip basis. The
20 3 fee is five cents per ton exceeding the weight registered
20 4 under section 321.122 per mile of travel. Fees shall not be
20 5 prorated for fractions of miles. This provision does not
20 6 exempt these vehicles from any other provision of this
20 7 chapter.

20 8 Sec. 39. Section 321L.2, subsection 5, Code 2005, is
20 9 amended by striking the subsection.

20 10 Sec. 40. Section 321L.2A, subsection 4, Code 2005, is
20 11 amended by striking the subsection.

20 12 Sec. 41. Section 326.11, unnumbered paragraph 2, Code
20 13 2005, is amended to read as follows:

20 14 The director may issue temporary written authorization to
20 15 carriers for vehicles acquired by a fleet owner and added to
20 16 the fleet owner's prorate fleet after the beginning of the
20 17 registration year. The temporary authority shall permit the
20 18 operation of a commercial vehicle until permanent
20 19 identification is issued, except that the temporary authority
20 20 shall expire after ~~ninety sixty~~ days.

20 21 Sec. 42. Section 326.23, subsection 1, Code 2005, is
20 22 amended to read as follows:

20 23 1. The owner of a commercial vehicle which is properly
20 24 registered and licensed in some other jurisdiction and is to
20 25 be operated occasionally on highways in this state, may, in
20 26 lieu of payment of the annual registration fee for such
20 27 vehicle, obtain a trip permit authorizing operation of the
20 28 vehicle on the highways of this state ~~in interstate commerce~~
20 29 for a period of not to exceed seventy=two hours. The fee for
20 30 the trip permit shall be ten dollars.

20 31 Sec. 43. Section 452A.17, subsection 1, paragraph a,
20 32 subparagraph (2), Code 2005, is amended to read as follows:

20 33 (2) ~~An Iowa urban transit system, or a company operating a~~
~~20 34 taxicab service under contract with an Iowa urban transit~~
~~20 35 system,~~ which is used for a purpose specified in section

21 1 452A.57, subsection 6.

21 2 Sec. 44. RESTRICTED LICENSES ISSUED UNDER PRIOR LAW ==
21 3 VALIDITY. A restricted license issued under section 321.178,
21 4 subsection 2, Code 2005, prior to the effective date of this
21 5 Act remains in effect, subject to the provisions of that
21 6 subsection, for as long as the license remains valid or until
21 7 the minor reaches the age of eighteen.

21 8 Sec. 45. SPECIAL MINOR'S LICENSE INTERIM STUDY COMMITTEE.

21 9 1. The legislative council is requested to establish a
21 10 special minor's license interim study committee to review the
21 11 provisions of Code section 321.194 concerning special minor's
21 12 (school) licenses and make recommendations for revisions. The
21 13 primary goals of the committee shall be to eliminate
21 14 ambiguities in existing language, ensure the safe
21 15 transportation of Iowa's youth, and improve highway safety.

21 16 2. The membership of the committee shall include the
21 17 following:

21 18 a. Two members of the senate standing committee on
21 19 transportation.

21 20 b. Two members of the house standing committee on
21 21 transportation.

21 22 c. Two members of the senate standing committee on
21 23 education.

21 24 d. Two members of the house standing committee on
21 25 education.
21 26 e. Representatives of the governor's office, the state
21 27 department of transportation, the department of education, the
21 28 department of public safety, the office of the attorney
21 29 general, the Iowa prosecuting attorneys council, the Iowa
21 30 association of chiefs of police, the Iowa state sheriffs and
21 31 deputies association, and the Iowa association of safety
21 32 educators.
21 33 3. The committee shall report its findings and
21 34 recommendations, including proposed legislation, to the
21 35 general assembly no later than January 1, 2006.

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CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

22 12 I hereby certify that this bill originated in the House and
22 13 is known as House File 216, Eighty-first General Assembly.
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MARGARET THOMSON
Chief Clerk of the House

22 18
22 19 Approved _____, 2005
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THOMAS J. VILSACK
Governor